

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

LINDA F. HORTON

PLAINTIFF

VS.

CAUSE NO. 1:12CV00175-JMV

**MICHAEL J. ASTRUE
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

ORDER APPROVING AWARD OF ATTORNEY'S FEE

Before the Court are Plaintiff's counsel's Petition to Obtain Approval of an Attorney's Fee [18] and Defendant's Motion to Dismiss [19]. The Court has fully considered the submissions of the parties, the applicable law, and the record and finds that Plaintiff's counsel's motion for approval of an award of fees should be granted. While Defendant initially objected to counsel's request for fees by way of a motion to dismiss, she has withdrawn the motion and submits she does not oppose counsel's request for \$3,324.75, representing 19 hours of work by Plaintiff's counsel before this Court at a rate of \$174.99 per hour. Accordingly, the Court finds the amount requested by Plaintiff's counsel is reasonable and should be paid to counsel from Plaintiff's past-due benefits pursuant to 42 U.S.C. § 406(b). Therefore,

IT IS ORDERED that counsel's motion for approval of a fee [18] is GRANTED, and \$3,324.75 is hereby approved for payment to Plaintiff's counsel from Plaintiff's past-due benefits for the work performed by counsel before this Court.

IT IS FURTHER ORDERED that Defendant's motion to dismiss [19] is DENIED as moot.

THIS 4th day of December, 2015.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE